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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

E-FILED - 8/3/06

XIAOHUI GUAN,

Plaintiff,

v.

Department of Homeland Security, MICHAEL
 CHERTOFF, Secretary; U.S. Attorney General,
 ALBERTO R. GONZALES; United States
 Citizenship and Immigration Services,
 EMILIO T. GONZALEZ, Director;
 United States Citizenship and Immigration
 Services, ALFONSO AGUILAR, Chief;
 United States Citizenship and Immigration
 Services, DAVID N. STILL, District Director,

Defendants.

No. C 06-3600 RMW

**STIPULATION TO DISMISS AND
 ORDER**

Plaintiff, by and through his attorney of record, and Defendants, by and through their attorneys of record, hereby stipulate, subject to the approval of the Court, to dismissal of the above-entitled action without prejudice in light of the fact that the United States Citizenship and Immigration Services is now prepared to adjudicate plaintiff's application for naturalization and agrees to adjudicate such application within 30 days of the dismissal of this action.

Each of the parties shall bear their own costs and fees.

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1 Date: July 26, 2006

Respectfully submitted,

2 KEVIN V. RYAN
United States Attorney

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5 /s/
EDWARD A. OLSEN
Assistant United States Attorney
6 Attorneys for Defendants

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8 Date: July 26, 2006

/s/
9 GERI N. KAHN
Attorney for Plaintiff

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11 **ORDER**

12 Pursuant to stipulation, IT IS SO ORDERED.

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14 Date: 8/3/06

/s/ Ronald M. Whyte
15 RONALD M. WHYTE
United States District Judge